

# **Report to the Board of Adjustment**

Prepared by the Maricopa County Planning and Development Department

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**Case: BA2006034**

Variance

Hearing Date:

May 10, 2006

Agenda Item:

26

Supervisory District:

4

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**Applicant\Owner:**

Dick Heye

**Request:**

**Variance to:**

Permit a proposed lot coverage of 15.56% where 15% is the maximum lot coverage allowed in the Rural-43 zoning district.

**This variance is requested from the following Zoning Ordinance Section(s):**

Section 503, Article 503.5.4

**Site Location:**

10219 West Wind Drive –103<sup>rd</sup> Avenue and Happy Valley Parkway (North Peoria area)

**Site Size:**

51,629 square feet (1.2 acres)

**Existing Zoning:**

Rural-43

**Current Use:**

Vacant

**Citizen**

**Support/Opposition:**

None known

**Staff**

**Recommendation:**

**Deny**

**Existing On-Site and Surrounding Zoning:**

1. On-site: Rural-43  
North: Rural-43  
South: Rural-43  
East: Rural-43  
West: Rural-43

### **Existing On-Site and Surrounding Land Use:**

2. On-site: Vacant  
North: West Wind Drive then single-family residence  
South: Single-family residence  
East: Single-family residence  
West: Single-family residence

### **Background:**

3. **February 8, 2006:** The current owner took title to the subject property via a Warranty Deed recorded under docket number **20060182333**.
4. **February 27, 2006:** The applicants applied for building permit **B200603167** to construct a single family residence on the subject site.
5. **March 15, 2006:** The applicant applied for this variance.
6. **April 12, 2006:** The applicants resubmitted plans for building permit **B200603167**.

### **Findings:**

7. **Maricopa County Department of Transportation:** No response at the time this report was written.
8. **Flood Control District:** No objections to the subject request (see attachment).
9. **Environmental Services Department:** No response at the time this report was written.
10. **Drainage Administration:** No drainage concerns.



Aerial photograph of subject site and surrounding environs

### Site Analysis:

11. The subject site is located on Westwind Drive, approximately ½ mile southwest of the intersection of Lake Pleasant Road and Happy Valley Parkway in the Northern Peoria area. The site is somewhat rectangular in shape, measuring approximately 165 feet in width, and 314 feet in depth. The total area of the subject site is 51,629 square feet. The subject site is situated in an area that is being developed primarily through the lot splitting process. Access is taken from the front (north) property line from Westwind Drive.
12. Currently, the site is vacant and is proposed to be developed with a 8,043-square foot single-family residence which includes a 920 square foot attached garage, a 900 square foot studio, which is a detached accessory structure, with a 21 square foot mechanical room, a 260 square foot covered entry, and a 1422 square foot patio area on the rear of the residence. The proposed residence would be located approximately 92-feet south of the front property line and the accessory structure 63-feet north of the rear property line. There are drainage features in the area, none of which appear to affect the subject site. The flora on the property and in the area is that typical of the upper Sonoran desert.

13. The following table is included to illustrate and contrast the standards for the underlying zoning district with those proposed by the applicant.

Standard	Rural-43 Zoning District	Proposed Standard
Front Yard Setback	40-feet	92-feet
Rear Yard Setback	40-feet	143-feet
Side Yard Setback	30-feet	30-feet
Street Side Setback	20-feet	n/a
Maximum Height	30-feet (2 stories)	15-feet
Minimum Lot Area	43,560-sq.ft.	51,629-sq.ft.
Minimum Lot Width	145-feet	164-feet
Lot Coverage	15%	<b>15.56%</b>

\*Standards indicated in **bold** do not meet minimum base zoning standards.

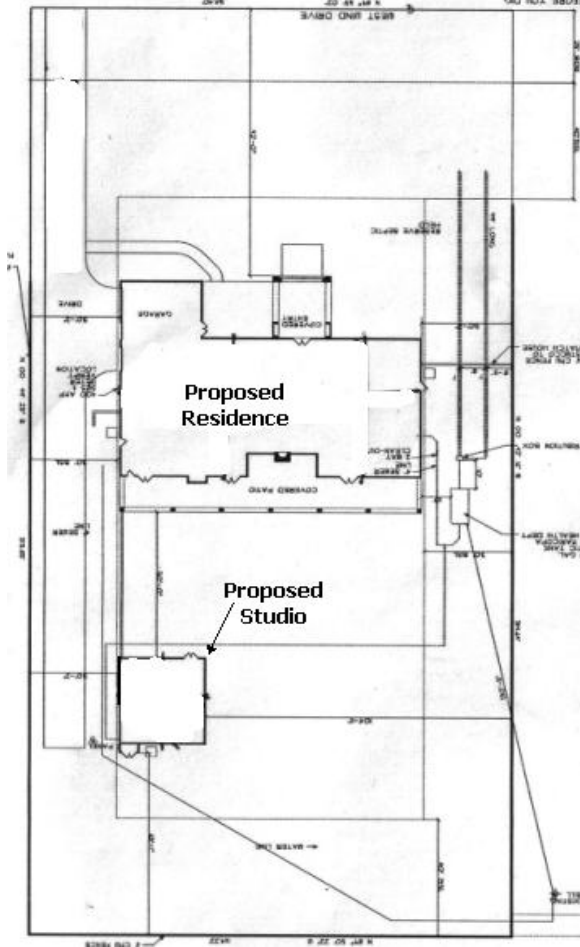
### Land Use Analysis:

14. The subject site, along with adjoining properties to the north, south, east, and west, is zoned Rural-43. The subject site is part of a Class 1a County Island located in the north Peoria area. The immediate area around the subject site is rural in nature with dirt roads and undeveloped properties. The lots in this area are typically one acre or larger.
15. There are several recorded subdivisions in the general area. These existing subdivisions are located to the southwest and south of the subject property and have significantly higher densities, with R1-35 and R1-18 zoning. Staff has found evidence of many variance requests in the general area with none of them being relevant to this particular variance case. There are no commercial uses in the immediate area.

### Plan Analysis:

16. The applicant is requesting a variance to permit maximum lot coverage of (8,043-square feet) 15.56% where 15% the maximum is allowed in the Rural-43 zoning district. This variance came about at the request of the applicant to allow for a proposed single family residence and detached accessory structure. Currently, maximum lot coverage allows the applicant to build on 7,744-square feet (15%) of the subject site.
17. The applicant states in the supplemental questionnaire that he thought he had purchased 1¼ acres and was of the belief that the County had restrictions that negated this which was one of the reasons he could not build as proposed. It was also stated that the accessory structure would be a studio pool house that is a health necessity. The lot coverage of the proposed residence is 13.79%. The proposed accessory structure would account for approximately 1.81% of the requested 15.56% increase. In order that the lot coverage not exceed the maximum of 15% the accessory structure lot coverage must not be greater than 1.21%. There are medical notes in the case jacket

but they were not accompanied with a specific doctor's letter stating that the studio pool house was a health necessity.



18. Staff believes there are some alternatives which would alleviate the need for the variance request. The first alternative would be to reduce the proposed structures to a maximum of 7,744 square feet. A second alternative would be to attempt to acquire property from the two neighboring parcels in an attempt to reduce the proposed lot coverage. This may or may not be a feasible option; however, this alternative should be explored before a variance is considered. Another alternative is constructing a two story single family residence, permitting a larger living space with a smaller building footprint. The need for this variance request in this case is self-created by the applicant.

19. The purpose of the 15% lot coverage requirement is to ensure that density is kept at a minimum in the Rural-43 zoning district. Lower lot coverage helps to preserve open space, increase visible and physical separation of structures on properties and to ensure uses associated with rural areas are not negatively impacted. The general area would probably not be affected by these structures as proposed on a property of this size. Granting this request could set precedence for such requests in

the future. Staff is unable to find a specific hardship, an extenuating or unusual circumstance that would justify a supportive recommendation. In following the guide lines for reviewing variances, and for the previously mentioned reasons, staff must recommend denial of this variance request.

## Recommendation: (BA2006034)

20. Staff recommends that this variance request be **denied** based on the following:

- The need for the variance is self-created.
- There is a reasonable use of the property without granting this variance.
- There are no physical or topographical hardships that limit the development of the subject property.
- Approval of this request is in conflict with the intent of the Ordinance and may have a negative affect on surrounding properties.
- Approval of this request may confer a privilege to the applicant not enjoyed by surrounding property owners.

21. If the Board finds that a reasonable use of the property cannot be made without this variance, then this request may be approved, subject to the following stipulations:
- a) General compliance with the site plan stamped received March 15, 2006.
  - b) The applicants shall obtain all necessary permits prior to commencing construction.

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**Attachments:** Case Map BA2006034  
Zoning Map  
Assessor Map  
Site Plan  
Application  
Supplemental Questionnaire (2 pages)  
Floodplain Review Response